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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/804,597

03/19/2004

Rodney Kern

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9552

34431

7590

09/15/2006

EXAMINER

REDMAN, JERRY E

HANLEY, FLIGHT & ZIMMERMAN, LLC
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CHICAGO, IL 60606

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 09/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/804,597

Applicant(s)

KERN ET AL.

Examiner

Jerry Redman

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-31, 52-66 and 70-72 is/are pending in the application.
- 4a) Of the above claim(s) 55, 58-66 and 70-72 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-31, 52-54, 56 and 57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Status of the claims:

Claims 1-28, 32-51, and 67-69 have been cancelled;

Claims 55, 58-66, and 70-72 are hereby withdrawn as being directed towards a non-elected invention; and

Claims 29-31, 52-54, 56, and 57 are hereby addressed below.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.


Claims 29, 30, 31, 52-54, 56, and 57 are rejected under 35 U.S.C. 102(b) as being anticipated by Overholt et al. (5,435,108). Overholt et al. ('108) disclose a door comprising a door panel (24) having a foam insulation resilient core (60), a flexible covering in the form of a thin flexible outer skin (26) and a back flexible skin (50, formed of plastic film), which partially covers the resilient core (60), an actuation system (18), and a plurality of adjacent rigid planar segments (72, three segments, furthermore, the shafts of bolts 70 could also be considered rigid planar (the end faces) segments interposed between the core and flexible skin (column 4, lines 58-61).

The applicant's arguments have been considered but are not deemed persuasive. With respect to the changes to the specification, the applicant is correct in that serial no. 10/006,558 has been revived.

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It appears that the applicant's arguments are more limiting than that of the claims. The phraseology "segment" is defined as "any of the parts of into which a body is separated or separable" (*Webster's New World Dictionary*, 3rd college edition). Therefore, the phraseology "segment" is broadly recited and not as limiting as the applicant argues. Secondly, the applicant argues "different panels" yet only claims a single panel (i.e., first panel).

Any inquiry concerning this communication should be directed to Jerry Redman at telephone number 571-272-6835.



Jerry Redman
Primary Examiner